

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NEW YORK STATE RIFLE AND PISTOL
ASSOCIATION, INC.; WESTCHESTER
COUNTY FIREARMS OWNERS
ASSOCIATION, INC.; SPORTSMEN'S
ASSOCIATION FOR FIREARMS EDUCATION,
INC.; NEW YORK STATE AMATEUR
TRAPSHOOTING ASSOCIATION, INC.;
BEDELL CUSTOM; BEIKIRCH AMMUNITION
CORPORATION; BLUELINE TACTICAL &
POLICE SUPPLY, LLC; BATAVIA MARINE &
SPORTING SUPPLY; WILLIAM NOJAY,
THOMAS GALVIN, and ROGER HORVATH

13-cv-00291-WMS

Plaintiffs,

-v.-

ANDREW M. CUOMO, Governor of the State of
New York; ERIC T. SCHNEIDERMAN, Attorney
General of the State of New York; JOSEPH A.
D'AMICO, Superintendent of the New York State
Police; LAWRENCE FRIEDMAN, District
Attorney for Genesee County; and GERALD J.
GILL, Chief of Police for the Town of Lancaster,
New York,

Defendants.

DECLARATION OF WILLIAM J. TAYLOR, JR.

WILLIAM J. TAYLOR, JR. declares under penalty of perjury that the following
is true and correct:

1. I am an Assistant Attorney General, of counsel to Eric T. Schneiderman,
Attorney General of the State of New York, attorney for defendants Andrew M. Cuomo,
Governor of the State of New York; Eric T. Schneiderman, Attorney General of the State
of New York; and Joseph A. D'Amico, Superintendent of the New York State Police

(collectively the “State Defendants”).

2. I submit this declaration in support of the State Defendants’ motion for an Order permitting the State Defendants to file certain corrected exhibits to the Declaration of William J. Taylor, Jr., filed in support of the State Defendants’ Cross-Motion to Dismiss and/or for Summary Judgment and in Opposition to the Plaintiffs’ Motion for a Preliminary Injunction (Docket Nos. 74-76, 78-85) -- specifically, corrected Exhibits 11, 20, 27, and 45-48.

3. Upon a recent, post-filing review all of their motion papers filed with the Court on July 21, 2013, the State Defendants discovered that there were some minor issues with respect to certain of the exhibits to the Declaration of William J. Taylor, Jr., filed in support of the State Defendants’ Cross-Motion to Dismiss and/or for Summary Judgment and in Opposition to the Plaintiffs’ Motion for a Preliminary Injunction (Docket Nos. 74-76, 78-85). In particular, the State Defendants determined that certain exhibits were submitted without all of their pages included or were otherwise filed without being fully complete. While each of these exhibits is publicly available, including on the internet, in order to assist the Court and the parties, and make certain that the record here is clear, the State Defendants request that they be permitted to file corrected copies of these currently incomplete exhibits. Copies of these corrected exhibits that the State Defendants propose filing in this action are appended hereto.

4. More specifically:

- **Exhibit 11 (U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, *Report and Recommendation on the Importability of Certain Semiautomatic Rifles*, dated July 6, 1989):** The first page of this document was

inadvertently omitted from the filed exhibit. Corrected Exhibit 11 is a full and complete version of the document, including the previously omitted page 1.

- **Exhibit 20 (Buffalo City Code, ch. 180):** This document apparently did not convert into PDF format properly, and the currently filed exhibit is therefore illegible. Corrected Exhibit 20 is a legible version of this document.

- **Exhibit 27 (Excerpts from the New York State Assembly Debate on the SAFE Act, Jan. 15, 2013, pp. 53-54, 64-66, 124-29):** Some pages were inadvertently omitted from the filed exhibit. Corrected Exhibit 27 is a full and complete version of the excerpted document, including the previously omitted pages 53-54, 64, 66, 124-26, and 128-29.

- **Exhibit 45 (Printouts from the SAFE Act website, NYSAFEAct.com, regarding rifles that are not classified as assault weapons):** The currently filed exhibit includes a printout from the SAFE Act website containing the State Police's non-exhaustive list of rifles that are not classified as assault weapons (online at <http://www.governor.ny.gov/assets/documents/RiflesthatareNOTclassifiedasassaultweapons.pdf>). However, the current exhibit does not include a printout from the SAFE Act website containing images of rifles that are not classified as assault weapons (online at http://www.governor.ny.gov/assets/documents/Rifles_imagesoriflesthatareNOTclassifiedasassaultrifles.pdf), although State Defendants' motion papers clearly make reference to both. Corrected Exhibit 45 contains both the list and the images, as referred to in the motion papers.

- **Exhibit 46 (Printouts from the SAFE Act website, NYSAFEAct.com, regarding pistols that are not classified as assault weapons):** The

currently filed exhibit includes a printout from the SAFE Act website containing images of pistols that are not classified as assault weapons (online at <http://www.governor.ny.gov/assets/documents/Pistolsimagesofpistolsthatarenotclassifiedasassaultweapons.pdf>). However, the current exhibit does not include a printout from the SAFE Act website containing the State Police's non-exhaustive list of pistols that are not classified as assault weapons (online at <http://www.governor.ny.gov/assets/documents/Pistolsthatarenotclassifiedasassaultweapons.pdf>), although, again, State Defendants' motion papers clearly make reference to both. Corrected Exhibit 46 contains both the list and the images.

- **Exhibit 47 (Printouts from the SAFE Act website, NYSAFEAct.com, regarding shotguns that are not classified as assault weapons):**
The currently filed exhibit includes a printout from the SAFE Act website containing images of shotguns that are not classified as assault weapons (online at <http://www.governor.ny.gov/assets/documents/Imagesofshotgunsthatarenotclassifiedasassaultweapons.pdf>). However, the current exhibit does not include a printout from the SAFE Act website containing the State Police's non-exhaustive list of shotguns that are not classified as assault weapons (online at http://www.governor.ny.gov/assets/documents/Shotguns_thatareNOTclassifiedasassaultweapons.pdf), although State Defendants' motion papers clearly make reference to both. Corrected Exhibit 47 contains both the list and the images.

- **Exhibit 48 (Excerpts from the New York State Assembly Debate on the SAFE Act Chapter Amendment, Mar. 28, 2013, pp. 280-85, 296-97, 342-43):** Some pages were inadvertently omitted from the filed exhibit. Corrected

Exhibit 48 is a full and complete version of the excerpted document, including the previously omitted pages 280-81, 285, 296, and 343.

5. Counsel for Defendant Gill has informed us that his client consents to this motion. Plaintiffs' counsel has informed us that Plaintiffs consent to this motion.

Counsel for Defendant Friedman has yet to appear in this action.

Dated: New York, New York
July 16, 2013

ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
Attorney for the State Defendants
s/ William J. Taylor, Jr.
BY: William J. Taylor, Jr.
Assistant Attorney General
of Counsel
120 Broadway
New York, NY 14202
Telephone: (212) 416-8426
Facsimile: (212) 416-6009
william.taylor@ag.ny.gov